

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 20, 2004**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O’Leary, Acting P.J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL ROBERT BATTIN et al.
No. v.
G033507 BAYSIDE FINANCIAL CORPORATION et al.

Merits. Cause called. Robert W. Battin argued for appellants. Michael J. Gilligan argued for respondents. Cause submitted.

CIVIL JIBRAN J. HANNANEY
No. v.
G033209 MARYANNE HANNANEY

Merits. Cause called. John M. Goodman argued for appellant. Marjorie G. Fuller argued for respondent. Cause submitted.

CIVIL PATRICK JOHANSEN
No. v.
G032280 COUNTY OF ORANGE DEPARTMENT
 OF HEALTH et al.

Merits. Cause called. Frank A. Weiser argued for appellant. Nancy Zeltzer argued for respondents County of Orange and County of Orange Department of Health. Christina A. Salseda, Deputy County Counsel argued for respondent County of Los Angeles. Respondents may file a supplemental brief by 4:00 p.m. on September 30, 2004. Cause to be submitted on September 30, 2004.

CRIM DONALD C. MYERS
No. v.
G033785 ORANGE COUNTY SUPERIOR COURT;
 THE PEOPLE

Merits. Cause called. Martin F. Schwartz, Deputy Public Defender argued for petitioner. Stephan Sauer, Deputy District Attorney argued for real party in interest. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 20, 2004 (Cont'd)**

CIVIL SYLVIA CHEN
No. v.
G033139 CORBETT A. HALL et al.

Merits. Cause called. Kristine L. Adams argued for appellants. Randi E. Pinckes argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 20, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O'Leary, Acting P.J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL RUBY MINKA
No. v.
G031979 PACIFICARE OF CALIFORNIA

Merits. Cause called. Carlos F. Negrete argued for appellant. Carolyn Oill argued for respondent. Matter argued together with G032812. Cause submitted.

CIVIL RUBY MINKA
No. v.
G032812 SHARP MISSION PARK MEDICAL GROUP

Merits. Cause called. Carlos F. Negrete argued for appellant. Gabriel M. Benrubi argued for respondent. Matter argued together with G031979. Cause submitted.

CIVIL JACOB MELTZER
No. v.
G033380 MAXSYS TECHNOLOGIES
CORPORATION et al.

Merits. Cause called. Dean R. Kitano argued for appellant. Martin L. Lee argued for respondents. Cause submitted.

CIVIL ALYCE HAMBARIAN
No. v.
G033118 CITY OF ORANGE

Merits. Cause called. Mark M. Kassabian argued for appellants. Layne H. Melzer argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 20, 2004 (Cont'd)**

CIVIL LYNN KNEVELBAARD
No. v.
G033398 PUBLIC STORAGE, INC.

Merits. Cause called. Jeffrey Wilens argued for appellant. Wayne W. Call argued for respondent. Cause submitted.

CIVIL STATE COMPENSATION INSURANCE FUND
No. v.
G032985 ITT INDUSTRIES et al.

Merits. Cause called. Marguerite I. Delbourgo argued for appellant. Mark G. Bonino argued for respondent Kolene Corporation. Daniel M. Livingston argued for respondent ITT Industries. Timothy Johnson argued for D. F. Industries. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 21, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., and O'Leary, J. A. Cajigal, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G032816 ALFONSO MARTINEZ-SANTOS

Merits. Cause called. John L. Staley argued for appellant. Scott C. Taylor, Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032421 ZAC O. LAWRENCE

Merits. Cause called. Marilee Marshall argued for appellant. Lisa Jacobson, Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031354 MELVYN CARPENTER

Merits. Cause called. Eric A. Chase argued for appellant. Marilyn George, Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032369 MATTHEW G. LAMONT

Merits. Cause called. Edward A. Hoffman argued for appellant. Robin Davis, Deputy Attorney General argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 21, 2004 (Cont'd)**

CIVIL ATEN RESERCH INC.
No. v.
G032383 LEE-SEN CHANG

Merits. Cause called. Lee-Sen Chang argued in propria persona. Irv M. Cross argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 21, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., O'Leary, J., and Moore, J. A. Cajigal, Deputy Clerk attending.

CIVIL ORANGE COUNTY SOCIAL
No. SERVICES AGENCY
G033787 v.
 STEPHEN F. et al.

Merits. Cause called. Richard Pfeiffer argued for appellant Stephen F. Craig E. Arthur argued for appellant Vanessa B. Ward Brady, Deputy County Counsel argued for respondent. Cause submitted.

CIVIL NIDI MALIK
No. v.
G033352 ASHOK BITRA

Merits. Cause called. Suresh Gulaya argued for appellant. No appearance by respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 21, 2004 (Cont'd)**

CIVIL SCOTTSDALE INSURANCE
No. COMPANY et al.
G031043 v.
 CITY OF HUNTINGTON BEACH

Order filed. The petition for rehearing is denied.

Moore, J.

We concur: O'Leary, Acting P.J.
 Fybel, J.

CIVIL GREGORY O. HOLTA
No. v.
G032434 CONCORDE ACCEPTANCE
 CORPORATION

Not for publication

Opinion filed. Judgment and order reversed.

Moore, J.

We concur: O'Leary, Acting P.J.
 Fybel, J.

CRIM THE PEOPLE
No. v.
G032512 BENJAMIN BORST

Not for publication

Opinion filed. Judgment modified and remanded.

Sills, P.J.

We concur: Rylaarsdam, J.
 Ikola, J.

CIVIL MORTGAGEES.COM, INC., et al.
No. v.
G032908 JENNIFER ESCAJEDA

Not for publication

Opinion filed. Judgment and orders affirmed.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
 Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 22, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL LEE GALE
No. v.
G033968 ORANGE COUNTY SUPERIOR COURT;
 LAURA GALE

Merits. Cause called. David B. Dimitruk argued for petitioner. Thomas C. Rallo argues for real party in interest. Cause submitted.

CIVIL FRED STEPHENSON
No. v.
G032508 ARGONAUT INSURANCE COMPANY

Merits. Cause called. Frederick E. Turner argues for appellant. Andre Hassid argues for respondent. Cause submitted.

CIVIL JAYANTI PATEL
No. v.
G033741 BEENA SHAH

Merits. Cause called. Daniel H. Willick argued for appellant. Edward C. Stark argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 22, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., O'Leary, J., Moore, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL ORANGE COUNTY SOCIAL
No. SERVICES AGENCY
G033861 v.
 STEPHANIE S. et al.

Merits. Cause called. Craig E. Arthur argued for appellant Steve C. Richard Pfeiffer argued Stephanie S. Beth L. Lewis, Deputy County Counsel argued for respondent. Cause submitted.

CIVIL PHILIP D. DAPEER et al.
No. v.
G032473 GERALD M. SHAW et al.

Merits. Cause called. Philip D. Dapeer argued for appellants. Gerald M. Shaw argued for respondents. Cause submitted.

CIVIL DEBRA L. FRAZEE
No. v.
G032668 HALL SEALY et al.

Merits. Cause called. Thomas P. Dovidio argued for appellant. Charles N. Hargraves argued for respondents Hall Sealy, Kayia Diehl, and Seally & Russell. Colrena K. Johnson argued for Michele Hales, Robert Etienne, and Hales, Hales & Etienne. Cause submitted.

CIVIL CHRISTOPHER CANNON
No. v.
G033154 DAWN HAIRGROVE

Merits. Cause called. Marjorie G. Fuller argued for appellant. Michael A. Fisher argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 22, 2004 (Cont'd)**

CRIM No. G031390	THE PEOPLE v. SONNY JOSHUA WONG	Not for publication
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Opinion filed. Judgment affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
Moore, J.

CRIM No. G031674	THE PEOPLE v. CHENG IV LIM	Not for publication
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Opinion filed. Judgment affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
Moore, J.

CRIM No. G032153	THE PEOPLE v. MARK TRACHMAN
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Order filed. On the court's own motion, and for good cause, the submission order filed in this matter on September 21, 2004, is VACATED. The order was improvidently issued.

Sills, P.J.

CIVIL No. G032276	QUEST INTERNATIONAL INC. v. ICODE CORP.	Certified for publication
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Opinion filed. Appeal dismissed.

Sills, P.J.

We concur: Rylaarsdam, J.
Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 22, 2004 (Cont'd)**

CIVIL No. G032395	JANE PRICE FOULKES v. QUEST SOFTWARE, INC., et al.	Not for publication
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Opinion filed. Judgment reversed with directions.

Fybel, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

CIVIL No. G033025	WESTERN EXTERMINATOR COMPANY v. CHRIS S. COATE	Not for publication
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Opinion filed. Order affirmed.

Fybel, J.

We concur: Sills, P.J.
Moore

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 23, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL JOHN W. DOWNEN et al.
No. v.
G031780 DAVID W. DOWNEN

Merits. Cause called. David A. Sprowl argued for appellants. Jason R. Sawyer argued for respondent. Cause submitted.

CIVIL ANDREW D.
No. v.
G034107 ORANGE COUNTY SUPERIOR COURT;
 ORANGE COUNTY SOCIAL SERVICES
 AGENCY

Merits. Cause called. Paul DeQuattro, Deputy Public Defender argued for petitioner. Dana J. Stits, Deputy County Counsel argued for real party in interest Orange County Social Services Agency. Rebecca N. Captain argued for real parties in interest Dennis T. and Patricia T. Counsel for the minors made no appearance. Cause submitted.

CIVIL MARK ROMEO
No. v.
G033439 KATZIR'S FLOOR AND HOME
 DESIGN, INC.

Merits. Cause called. Martin L. Horwitz argued for appellants. Marc A. Karlin argued for respondent. Cause submitted.

CIVIL MINDWARE S.A.
No. v.
G031089 CANARA TECHNOLOGIES, INC. et al.

Merits. Cause called. Jeffrey M. Shields argued for appellant. Constance K. Wigod argued for respondents. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 23, 2004 (Cont'd)**

CIVIL JOSEPH PATTERSON
No. v.
G031980 RAYMOND BEULIGMANN et al.

Merits. Cause called. Paul R. Kennerson argued for appellants and cross-respondents. Richard A. Derevan argued for respondent and cross-appellant. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 23, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G031077 JOHN W.

Order filed. The Court on its own motion vacates submission of the above titled case due to the need for further briefing on certain issues. (See Cal. Rules of Court, rule 23(e)(1).) To resolve this appeal, the Court orders supplemental letter briefs discussing the following issues: (1) Once the minor waived his rights, did the officer have the authority to suggest, order or request the father accompany the second officer into the other room during the interrogation of the minor? (2) What impact on the admissibility of the minor's statement did that request have? In the letter briefs, please include consideration of the following cases: People v. Burton (1971) 6 Cal.3d 375; People v. Rivera (1985) 41 Cal.3d 388; Fare v. Michael C. (1979) 422 U.S. 707. The petitioner should file a supplemental letter brief on these issues by October 22, 2004; respondent should file its supplemental letter brief by November 15, 2004. Any reply brief must be filed by November 29, 2004. Either party may request oral argument in their letter brief, if they so desire. If none is requested, the case will be submitted on the date the reply brief is filed or on expiration of that time period.

Sills, P.J.

We concur: Rylaarsdam, J.
 O'Leary, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 23, 2004 (Cont'd)**

CIVIL BARBARA DIECKMEYER
No. v.
G031869 REDEVELOPMENT AGENCY OF THE
 CITY OF HUNTINGTON BEACH

Order filed. The California Supreme Court granted review and transferred this matter to this court with directions to vacate our opinion of May 21, 2004, “and determine whether the issue upon which the case was decided was fairly encompassed within the issues raised and addressed in the parties’ briefs.” Accordingly, the opinion of this court dated May 21, 2004, is VACATED. The record in this matter was received September 23, 2004. No later than October 22, 2004, this court will determine whether the parties will be afforded an opportunity to file supplemental briefs. No party is to file a supplemental brief without further order of this court.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 24, 2004**

CRIM THE PEOPLE
No. v.
G030393 THOMAS MICHAEL MURPHY

Order filed modifying opinion and denying petition for rehearing.

Rylaarsdam, Acting P.J.

We concur: Fybel, J.
 Ikola, J.

CIVIL MARK HURWITZ
No. v.
G032479 CITY OF ORANGE

Certified for publication

Opinion filed. Judgment affirmed.

Sills, P.J.

We concur: Rylaarsdam, J.
 Moore, J.